

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

UNITED STATES OF AMERICA

v.

**WILLIAM R. HALL,
Defendant.**

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Case No. 3:24-CR-18-001

DEFENDANT’S MOTION FOR DOWNWARD VARIANCE

Defendant William R. Hall respectfully moves this Court for a downward variance. The Court has the authority to vary from the suggested sentencing range. A variant sentence is one outside the applicable U.S. Sentencing Guideline range, based on a review of the Section 3553(a) sentencing factors. *E.g., United States v. Tucker*, 473 F.3d 556, 561 (4th Cir. 2007). To grant a variance, a district court does *not* need first to find “extraordinary circumstances” to justify a sentence outside of the Guideline range. *Gall*, 552 U.S. at 47 (“We also reject the use of rigid mathematical formula that uses the percentage of a departure as the standard for determining the strength of the justifications required for a specific sentence.”). Moreover, “district courts have extremely broad discretion when determining the weight to be given each of the § 3553(a) factors.” *United States v. Jeffery*, 631 F.3d 669, 679 (4th Cir. 2011).

While this Court must still correctly calculate the guideline range, *Gall v. United States*, 552 U.S. 38, 49 (2007), it may not treat that range as mandatory or presumptive, *id.* at 51; *Nelson v. United States*, 555 U.S. 350, 352 (2009), but must treat it as “one factor among several” to be considered in imposing an appropriate sentence under § 3553(a). *Kimbrough v. United States*, 552 U.S. 85, 90 (2007). The Court must “consider all of the § 3553(a) factors,” “make an individualized assessment based on the facts presented,” *id.* at 49-50, and explain how the facts

relate to the purposes of sentencing. *Id.* at 53-60; *Pepper v. United States*, 131 S. Ct. 1229, 1242-43 (2011). The Court’s “overarching” duty is to “‘impose a sentence sufficient, but not greater than necessary’ to accomplish the goals of sentencing.” *Id.* at 101; *Pepper*, 131 S. Ct. at 1242-43.

Mr. Hall respectfully seeks a downward variance, as the Section 3553(a) factors demonstrate that a below-guideline sentence is appropriate here. Those factors, the evidence supporting them, and the appropriate legal authority is contained in Mr. Hall’s sentencing memorandum, which is filed simultaneously with this Motion and is incorporated herein. Mr. Hall’s case possesses facts meriting a below-guideline punishment.

WHEREFORE, for the reasons detailed in Mr. Hall’s sentencing memorandum, the defendant respectfully requests a downward variance based on the Section 3553(a) factors.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I filed the above Motion via the Court’s ECF system, which provides service on all parties of record this 17th day of December 2024.

/s/Heather L. Carlton